

REMARKS

Claims 1-7, 16 and 22-30 are pending. Claim 1 is amended. Support for the amendment to claim 1 can be found in the specification as originally filed, for example, on page 7, lines 14-15, and page 9, lines 22-25. Claims 22-25 are withdrawn. No new matter has been added.

Claim rejections under 35 U.S.C. § 112, first paragraph

Claims 1-7, 16 and 26-30 are rejected under 35 U.S.C. § 112, first paragraph. The Office Action states that the specification does not provide reasonable enablement for an antibody specific for an oxygen related protein 150 (ORP150) comprising SEQ ID NO: 2.

Claim 1-7, 16 and 26-30 are also rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Office Action states the Applicant is not in possession of an antibody specific for an oxygen related protein 150 (ORP150) comprising SEQ ID NO: 2.

Applicants have amended claim 1 to require contacting a bodily fluid sample with an antibody specific for amino acid sequence LAVMSVDLGSESM of oxygen related protein 150 (ORP150) comprising SEQ ID NO: 2 in order to detect the level of ORP150 in the bodily fluid sample. The specification on page 9 states that an antibody for detecting ORP150 may recognize the sequence LAVMSVDLGSESM . Applicants believe that the claims comply with 35 U.S.C. § 112, first paragraph, and respectfully request that this rejection be withdrawn.

Claim rejections under 35 U.S.C. § 103

Claims 1-5, 7 and 16 and 26-30 are rejected under 35 U.S.C. §103(a) as obvious over Tsukamoto (Reference AZ in IDS filed June 29, 2004) in view of Karl (Reference AJ in IDS filed June 16, 2004).

Claim 1 as amended requires contacting a bodily fluid sample with an antibody specific for amino acid sequence LAVMSVDLGSESM of oxygen related protein 150 (ORP150) comprising SEQ ID NO: 2 in order to detect the level of ORP150 in the bodily fluid sample, and comparing the level of ORP150 in the bodily fluid sample with the level of ORP150 that is indicative of the absence of heart disease.

Tsukamoto describes the presence of a hypoxia-inducible protein, ORP150, in an atherosclerotic vessel wall. Tsukamoto fails to disclose or suggest contacting a bodily fluid

sample with an antibody specific for amino acid sequence LAVMSVDLGSESM of oxygen related protein 150 (ORP150) comprising SEQ ID NO: 2 in order to detect the level of ORP150 in the bodily fluid sample. Tsukamoto also fails to disclose or suggest comparing the level of ORP150 in the bodily fluid sample with the level of ORP150 that is indicative of the absence of heart disease.

Karl describes an assay for NT-proBNP. Like Tsukamoto, Karl fails to disclose or suggest contacting a bodily fluid sample with an antibody specific for amino acid sequence LAVMSVDLGSESM of oxygen related protein 150 (ORP150) comprising SEQ ID NO: 2 in order to detect the level of ORP150 in the bodily fluid sample. Karl also fails to disclose or suggest comparing the level of ORP150 in the bodily fluid sample with the level of ORP150 that is indicative of the absence of heart disease.

Applicants respectfully request that this rejection be withdrawn.

Claims 1-5, 7, 16 and 26-30 are rejected under 35 U.S.C. §103(a) as obvious in view of Tsukamoto and Hall. As discussed above, Tsukamoto does not render the claims obvious. Hall does not remedy the deficiencies of Tsukamoto. Applications respectfully request that this rejection be withdrawn.

Claims 1-4 and 6-7 are rejected under 35 U.S.C. §103(a) as obvious in view of Tsukamoto and May. As discussed above, Tsukamoto does not render the claims obvious. May does not remedy the deficiencies of Tsukamoto. Applications respectfully request that this rejection be withdrawn.

CONCLUSION

Early and favorable consideration of the application is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at (617) 832-1749.

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Customer No: 63767

Respectfully submitted,
FOLEY HOAG LLP

Electronic signature: /Janann Y. Ali/

Janann Y. Ali, Ph.D.

Registration No.: 54,958

FOLEY HOAG LLP

155 Seaport Blvd

Boston, Massachusetts 02210

(617) 832-1749

Agent for Applicant